

MINUTES
KENTUCKY BOARD OF PHARMACY
Frankfort, Kentucky
April 11, 2001

CALL TO ORDER:

A regular meeting of the Kentucky Board of Pharmacy was held at the Board office, 23 Millcreek Park, in Frankfort, Kentucky. President Conyers called the meeting to order at 9:05 a.m.

Members present: William A. Conyers III, Melinda C. Joyce, Georgina Kindall-Jones, Becky M. Cooper, Thomas S. Foster and Joe Carr. Staff present: Michael A. Moné, Executive Director; Jeffrey L. Osman, Pharmacy Inspections and Investigations Coordinator; Maxine Snively, Katie Busroe, and Philip C. Losch, Pharmacy and Drug Inspectors; Cheryl Lalonde-Mooney, Assistant Attorney General and Board Counsel, and Stacy Rankin, Executive Secretary. Guests: Danna Droz, Drug Control, Cabinet for Health Services; Ralph E. Bouvette, APSC; Mike Mayes, KphA; David Jaquith, CVS; Robert L. Barnett, Kentucky Pharmacists Association; James Goedde, Knoll Pharmaceutical, and Joy Gerck, University of Kentucky College of Pharmacy Student Intern. Melody Curtis, Court Reporter, recorded the meeting.

APPEARANCES:

Jim Akers. Mr. Akers appeared to petition for reinstatement of his pharmacist's license. Mr. Akers was placed under oath by Ms. Curtis, Court Reporter. Mr. Akers gave a short overview of the cause leading to the loss of his pharmacist's license. Mr. Moné reviewed the recommendation of the Impaired Pharmacist Committee for reinstatement of license with conditions. Mr. Joe Carr moved to reinstate with an Order of Reinstatement for impairment with stipulations as follows: probation for as long as he holds a Kentucky license to practice pharmacy in the Commonwealth unless the Board determines early termination of the Order; enter into a HELP contract; attendance at either the University of Utah School on Alcoholism and other Drug Dependencies or the Southeastern PRN Meeting within one year; attend AA/NA meetings no less than 3 times per week; engage in services of CDC/CDAC; no service as pharmacist-in-charge; no power-of-attorney; employment for no more than 40 hours per week or 80 hours in a two-week period; random observed urine/blood screens monthly with others as requested by the Board; notification to all employers; notification to the Board of change in employment; Board president's approval of all employers; submission of a signed release for medical records; no dispensing of prescriptions to self or family members; utilize only one pharmacy for prescriptions; notification to the Board of all legend and nonlegend drugs taken; an annual self-evaluation; semi-annual inspections and quarterly audits at all locations of employment; Order on Reinstatement to be drafted and forwarded to Mr. Akers for his signature and upon its return to be signed by President Conyers. The motion was seconded by Becky Cooper and passed unanimously.

Commissioner Rice C. Leach and Mr. John Walker. Commissioner Leach appeared before the Board to request assistance from the Board regarding nurses dispensing of medication in Kentucky Health Departments. Mr. Conyers directed the Executive Director to assist the Department for Public Health in drafting legislation to address the concern. The motion was seconded by Joe Carr and passed unanimously.

Dan Yeager - Med Impact. Mr. Yeager gave a presentation on the MedPreferred program which MedImpact offers. He was seeking Board input on the program. President Conyers instructed the Executive Director to draft a letter from the Board which will be sent to Mr. Yeager after the Board approves the response.

BOARD REPORTS:

President. President Conyers addressed the meeting and welcomed everyone in attendance. President Conyers requested that a Committee be formed to review the procedures regarding med-errors and for that committee to develop a plan. President Conyers requested that Melinda Joyce head the committee which will consist of six to eight people with one student member.

Georgina Kindall-Jones. Ms. Jones addressed the Board regarding a complaint she received from an elderly person who had apparently be treated rudely and unprofessionally by a pharmacist. Ms. Jones stressed the fact that all pharmacist should present themselves professionally.

Executive Director. Mr. Mone gave an update on the Oxycontin Task Force and requested input from the Board members to include in the next meeting of the Task Force April 18, 2001. He also discussed the upcoming NABP Annual Meeting in Seattle, WA.

CURRENT/PENDING CASES:

Case No. 00-0160; Case No. 00-0169; Case No. 00-0168; Case No. 01-0024; Case No. 01-0028; Case No. 01-0029; Case No. 01-0039; Case No. 01-0041; and Case No. 01-0044. Dr. Joyce moved for acceptance and entry of the proposed Agreed Orders as written. Mr. Carr seconded and the motion passed unanimously.

Case Review Committee

Dr. Joyce moved for acceptance of the following case reports:

Case No. 01-008A(CVS Pharmacy #6209). Permit-holder allegedly engaged in unprofessional conduct by committing a medication error. CRC recommendation: Case is closed. Ms. Jones seconded and the motion passed unanimously.

Case No. 01-0008B (John Lovelace). Pharmacist allegedly engaged in unprofessional conduct by committing a medication error. CRC recommendation: Case is closed. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0010 (Charles Franklin). Pharmacist allegedly engaged in unprofessional conduct for having made medication pricing error. CRC recommendation: Case is dismissed. Ms. Cooper seconded and the motion passed unanimously..

Case No. 01-011 (Walgreens #3756). Permit-holder allegedly engaged in unprofessional conduct by having made a medication error. CRC recommendation: Case is closed. Ms. Jones seconded and the motion passed unanimously.

Case No. 01-0013A (CVS #6215). Permit-holder allegedly engaged in unprofessional conduct for having made a medication pricing error. CRC recommendation: Case is dismissed. Ms. Cooper seconded and the motion passed unanimously.

Case No. 0013B (Thomas Richard Joy). Pharmacist allegedly engaged in unprofessional conduct by failing to comply with AO 00-0140. CRC recommendation: Dr. Foster seconded and the motion passed unanimously.

Case No. 01-0021 (Macy L. Belden). Pharmacist-in-charge allegedly allowed pharmacy to be open to the public without a Kentucky licensed pharmacist on the premises. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0022 (Francisco Leite) Pharmacist allegedly failed to complete required continuing education requirement in 2000. CRC recommendation for Complaint with attempt to resolve through AO. Ms. Cooper seconded and the motion passed unanimously.

Case No. 01-0023 (Donald E. Fletcher). Pharmacist allegedly failed to complete one contact hour of required HIV/AIDS continuing education in 200. CRC recommendation for Complaint with attempt to resolve through AO. Dr. Joyce seconded and the motion passed unanimously.

Case No. 01-0024 (Larry Brown). Pharmacist allegedly failed to complete one contact hour of required HIV/AIDS continuing education in 200. CRC recommendation for Complaint with attempt to resolve through AO. Dr. Joyce seconded and the motion passed unanimously.

Case No. 01-0028A (Stat Oxygen Services). Permit-holder alleged failed to timely notify the Board of a change of address before relocating. CRC recommendation for Complaint with attempt to resolve through AO. Ms. Cooper seconded and the motion passed unanimously.

Case No. 0028B Medical gas permit-holder allegedly failed to timely notify the Board of current consultant pharmacist; the facility is located in a residential home and the medical oxygen is stored at an unlicensed premise. CRC recommendation for Complaint with attempt to resolve through AO. Ms. Jones seconded and the motion passed unanimously.

Case No. 01-0029 (Neogen Corporation). Permit-holder allegedly moved to a new location without prior inspection by an inspector. CRC recommendation for Complaint with attempt to resolve through AO. Ms. Cooper seconded and the motion passed unanimously.

Case No. 01-0039 (Dennis Bowling). Pharmacist allegedly failed to complete one hour of CHS approved or ACPE approved HIV/AIDS continuing education and only completed 12 hours of continuing education in 200. CRC recommendation for Complaint with attempt to resolve through AO. Mr. Carr seconded and the motion passed unanimously.

CORRESPONDENCE: **Daniel Beebe.** The Board reviewed letter requesting Mr. Beebe requesting permission to work at Beringer Drug Center. Ms. Jones moved to approve the request. Ms. Cooper seconded and the motion passed unanimously.

Janet Hill Jenkins/Flaget Memorial Hospital. The Board reviewed letter requesting exemptions for equipment for the requirement of reference material and permission to be the pharmacist-in-charge for both the hospital pharmacy and the out patient pharmacy. Dr. Joyce moved to approved the request. Mr. Carr seconded and the motion passed unanimously.

Lewis Wilkerson/D&R Pharmacare. The Board reviewed letter requesting exemptions for equipment for the requirement of reference material and permission to be the pharmacist-in-charge in two pharmacies. Ms. Jones moved to approved the request. Mr. Carr seconded and the motion passed unanimously.

NABP:

LEGISLATION: **HB140.** Mr. Moné reviewed the proposed legislation regarding continuing education requirements. The Board instructed Mr. Mone to work with Mike Mayes in preparing an article to be placed in the newsletter. Mr. Carr move to approve. Ms. Cooper seconded and the motion passed unanimously.

201 KAR 2:090 Section 1(c). Mr. Mone reviewed the regulation with the Board members. After discussion it was requested that the wording be changed. Dr. Joyce moved to approve. Ms. Cooper seconded and the motion passed unanimously.

201 KAR 2:165. Mr. Mone reviewed the proposed regulation with Board before filing. Dr. Joyce moved to approve the regulation to be filed. Mr. Carr seconded and the motion passed unanimously.

CONTINUING EDUCATION: Mr. Carr moved to accept the continuing education programs 01-011 through 01-023 as recommended. Ms. Cooper seconded and the motion passed unanimously.

NEW BUSINESS:

ADJOURNMENT: On motion by Dr. Joyce, seconded by Ms. Jones and passed unanimously, President Conyers adjourned the meeting at 12:35 p.m. The next Board meeting is scheduled to begin at 9:00 a.m. on June 13,

2001.

Michael A. Moné, Executive Director

MAM:sr

MINUTES APPROVED: